REMARKS

1. Formal Matters

a. Status of the Claims

Claims 21-49 are pending and under active consideration in the instant application.

b. Interview Summary

Applicant thanks Examiner Shin for the courtesy of the telephone interview with Teddy C. Scott on July 11, 2007, which included a discussion regarding the proper application of U.S. restriction practice versus unity of invention standard. This Reply includes an election and a traversal based on the misapplication of restriction practice to the instant claims.

2. Election/Restriction

a. Group Election

On pages 2-5 of the Office Action, the Examiner requires restriction to one of the following groups of claims under 35 U.S.C. § 121:

I. Claims 21-28, 32-42, and 47-49, drawn to an isolated nucleic acid, a probe, and a vector comprising a DNA viral nucleic acid sequence.

II. Claims 21-26, 29-40, and 43-49, drawn to an isolated RNA viral nucleic acid.

Applicant with traverse elects Group I, which is considered claims 21-28, 32-42, and 47-49.

(1) Traversal

Applicant submits that the Examiner has misapplied the U.S. restriction practice standard in place of the unity of invention standard for the instant application. On pages 2-5 of the Office Action, the Examiner has restricted the instant claims under 35 U.S.C. § 121 in contrast to the fact that the instant application is a United States national stage entry under 35 U.S.C. § 371 of International Application No. PCT/IL03/00998, filed November 26, 2003. Unity of invention practice is required in examining national stage applications submitted under 35 U.S.C. § 371. *See* M.P.E.P. 1893.03(d). Unity of invention exists when there is a single general inventive concept over a group of inventions. A single general inventive concept exists where there is a technical relationship among the inventions that involves at least one common corresponding special technical feature. The common corresponding special technical feature must define a contribution that each of the claimed inventions, considered as a whole, makes over the prior art. *See* M.P.E.P. 1850.II and PCT Rule 13.2.

Applicant respectfully submits that the instant claims are unified under one invention because the claimed subject matter has a common special technical feature of being related to isolated **viral**

miRNA/hairpin precursor nucleic acids, which is a contribution over the prior art. Applicant submits that viral miRNAs/hairpin precursors were neither taught nor suggested in the prior art at the time of filing the instant application. Accordingly, Applicant submits that the Examiner's restriction of the claims is improper, and that the claimed subject matter has unity of invention. In view of the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the Group restriction requirement.

b. Virus Election

On page 2 of the Office Action, the Examiner requires further election of a single disclosed type of virus. Applicant with traverse elects human herpesvirus 4.

(1) Traversal

For the reasons stated above in traversing the Group election, Applicant respectfully submits that the Examiner's restriction of the claims to a single type of virus is improper and the unity of invention standard should be applied. Applicant submits that the claimed subject matter has the common special technical feature of being related to **viral** miRNA/hairpin nucleic acids, which are neither taught nor suggested in the prior art. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the viral type restriction requirement.

3. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

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Dated: July 20, 2007

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